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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,307	07/09/2003	Micky G. Gilbert	G709	1306

26092 7590 02/23/2006
KYLE W. ROST
5490 AUTUMN CT.
GREENWOOD VILLAGE, CO 80111

EXAMINER

KRAUSE, JUSTIN MITCHELL

ART UNIT PAPER NUMBER

3682

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,307

Applicant(s)

GILBERT ET AL.

Examiner

Justin Krause

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/9/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 13 is/are rejected.
- 7) ☐ Claim(s) 2-12, 14-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ✓ 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the restriction between Inventions I and II in the reply filed on December 9, 2005 is acknowledged. The traversal is on the ground(s) that there is no difference in invention structure or function. Examiner finds that there is no major difference in the structure of the subcombination as claimed within the combination and the restriction requirement between inventions I and II is hereby withdrawn.

2. Applicant's election of Invention II in the reply filed on December 9, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

No argument was made in regards to the restriction of Invention III. Claim 25, drawn to Invention III is hereby withdrawn from consideration, claims 1-24 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallace (US Patent 3,012,447).

Wallace discloses an apparatus limiting the arc of rotation of an axially elongated rod about its longitudinal axis in either of opposite rotational directions, comprising:

- an adjustable stop assembly (12, Figs 1-3), useable with an axially elongated rod (10) that is rotatable about its longitudinal axis, mountable for rotation with the rod, and establishing a stop assembly pathway about the longitudinal axis of the rod;

- first and second pivot arms (17, 16), juxtaposed to said stop assembly, positioned with either one of said pivot arms extending into an interference position with said stop assembly pathway such that the adjustable stop assembly will strike the interfering pivot arm in one of the opposite rotational directions, and positioned with the other pivot arm displaced from the interference position;

- a mechanism for linking the first and second pivot arms for common movement (13) and moving either pivot arm into the interference position when the other pivot arm exits the interference position;

wherein when in the interference position, each pivot arm is positioned to respond to being struck by said stop assembly from a one of the rotational directions by braking the stop assembly and to respond to being struck by the stop assembly from the opposite rotational direction by exiting the interference position; wherein the first and second pivot arms respond mutually oppositely to being struck in the respective opposite rotational directions; and whereby the arc of rotation of the rod about its

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longitudinal axis in one of the rotational directions is limited by one of the pivot arms braking the stop assembly in response to the stop assembly striking the pivot arm in the one rotational direction.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace in view of Lipschutz (US Patent 3,795,122).

Wallace discloses all of the claimed subject matter as described above.

Wallace does not disclose the device in a vehicle having an axially elongated steering shaft that is rotatable about its longitudinal axis.

Lipschutz teaches use of a rotation limiting device (1) on the steering shaft of a vehicle comprising a stopper (4) and a stop member (7) for the purpose of limiting the rotation of the steering wheel to prevent theft (Col 1, line 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a rotational stop as taught by Wallace and place it on a steering column as taught by Lipschutz, the motivation would have been to limit the rotation of the steering shaft to prevent theft of the vehicle.

Allowable Subject Matter

5. Claims 2-12 and 14-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Krause whose telephone number is 571-272-3012. The examiner can normally be reached on Monday - Friday, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMK
2/16/06


RICHARD W. RIDLEY
~~PRIMARY EXAMINER~~

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